

UNITED STATES DISTRICT COURT
for the
District of Alaska

UNITED STATES OF AMERICA

vs.

JEREMY LEE SMITH

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Case Number: 3:12-CR-00080-03-RRB

ORDER

Based on the *Petition for Summons for Defendant Under Supervised Release* filed on May 11, 2018, regarding the above-named defendant, **IT IS HEREBY ORDERED that:**

[] A WARRANT FOR ARREST be issued and delivered to the U.S. Marshal's Service; and that the petition, probation officer's declaration, this order, and a copy of the warrant be sealed in the Clerk's file and disclosed only to the U.S. Attorney for their official use, until the arrest of the defendant.

[] The petition for Supervised Release revocation is referred to the Magistrate Judge for initial appearance/preliminary hearing(s). The evidentiary hearing, if any, will be before the Magistrate Judge only upon consent; otherwise the evidentiary hearing will be before the undersigned District Court Judge.

OR

[] The petition for Supervised Release revocation is referred to Senior United States District Judge Ralph R. Beistline (if available) for initial appearance/preliminary hearing(s), and evidentiary hearings. If the District Judge is unavailable, the matter is referred to the Magistrate Judge for initial appearance/preliminary hearing(s).

[] A summons be issued.

[] The petition for Supervised Release revocation is referred to the Magistrate Judge for initial appearance/preliminary hearing(s). The evidentiary hearing, if any, will be before the Magistrate Judge only upon consent; otherwise the evidentiary hearing will be before the undersigned District Court Judge.

OR

[] The petition for Supervised Release revocation is referred to Senior United States District Judge Ralph R. Beistline (if available) for initial appearance/preliminary hearing(s), and evidentiary hearings. If the District Judge is unavailable, the matter is referred to the Magistrate Judge for initial appearance/preliminary hearing(s).

[] Other:

ORDER

DEFENDANT: Jeremy Lee Smith
CASE NUMBER: 3:12-CR-00080-03-RRB

Dated this ____ day of _____ 20__.

Ralph R. Beistline
Senior United States District Judge

Supervised Release Cases: Pursuant to 18.U.S.C. § 3401(i), the sentencing District Court may designate a Magistrate Judge to conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the Court proposed findings of facts and recommendations, including disposition recommendations.

Probation Cases: Pursuant to *United States v. Frank F. Colacurcio*, 122 F.3d 1074 (9th Cir. 1997), a Magistrate Judge has the authority to conduct a probation revocation hearing only if the following three conditions are satisfied: (1) the defendant's probation was imposed for a misdemeanor; (2) the defendant consented to trial, judgment, and sentence by a Magistrate Judge; and (3) the defendant initially was sentenced by a Magistrate Judge. Therefore, a District Court may not designate a Magistrate Judge to conduct revocation hearings on probation cases where a District Court was the sentencing Court.